

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

This pleading relates only to this
Title III case.²

(Jointly Administered)

Re: Dkts. 8297, 9099 and 9121.

AMENDED NOTICE OF APPEAL
OF DKTS. 9099, 9121 AND 9352 WITH RESPECT TO
CLAIMS NO. 152470 & No. 152283

TO THE HONORABLE COURT:

COME NOW, creditors Jorge A. Diaz Mayoral and Juan A. Frau Escudero (“Movants”), by the undersigned counsel, and, appeals to the United States Court of Appeals for the First Circuit, under 28 U.S.C. § 158(d)(1), from the United States District Court for the District of Puerto Rico rulings and orders identified below:

1. The appellants, Jorge A. Diaz Mayoral and Juan A. Frau Escudero (hereinafter jointly “Movants”), are creditors of the Debtors and parties to the controversies in the rulings and orders subject to the appeal.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566- LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations); and (vi) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-4780 (LTS)) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

² This clarification is made in accordance to the Court’s *Order (A) Pursuant to PROMESA Section 304(G), Directing Joint Administration of Initial Title III Cases and Additional Title III Cases, and (B) Pursuant to Section 105(A) of The Bankruptcy Code, Making Certain Orders Entered on First Day Pleadings Applicable to the Additional Title III Cases.* See, Docket No. 167 at ¶ 5 of p. 4.

2. The rulings and orders subject of this appeal are:
 - a. Indicative ruling informed during the September 11, 2019 Hearing sustaining the *Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico To Claims Based On Investments In Mutual Funds* (Dkt. 8297) with respect to Movants' Claims No. 152470 and No. 152283. (Dkt. 8689, 8690);
 - b. Order entered on November 4, 2019 sustaining, in general, the *Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico To Claims Based On Investments In Mutual Funds* (Dkt. 8297). (Dkt. 9099);
 - c. Order entered on November 6, 2019 sustaining the *Sixty-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico To Claims Based On Investments In Mutual Funds* (Dkt. 8297) with respect to Movants' Claims No. 152470 and No. 152283. (Dkt. 9121); and
 - d. Order entered on November 26, 2019 denying the relief requested in Dkt. 9279. (Dkt. 9352)
3. The Movants appeal the above listed rulings and orders sustaining the *Sixty-Fourth Omnibus Objection* (Dkt. 8297) only with respect to Movants' Claims No. 152470 & No. 152283. (Dkts. 9099, 9121 and 9352).
4. The parties to the rulings and orders appealed from are the Movants and the Financial Oversight and Management Board as representative for the Commonwealth. The names, addresses and telephone numbers of the respective attorneys of the parties and other potentially interested parties are as follows:

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5. Movants have not had access to Dkt. 8690 (see Exhibit 1), but a copy of each of the Orders in Dkts. 9099, 9121 and 9352 are attached as Exhibits 2, 3 and 4.

WHEREFORE, the Movants herein, Mr. Diaz Mayoral and Mr. Frau Escudero, respectfully pray that this Honorable Court take note of the above Amended Notice of Appeal of the above listed rulings and orders.

CERTIFICATE OF SERVICE: I HEREBY CERTIFY that, on this same date, the foregoing has been filed with the Court's CM/ECF system, which will automatically send an exact copy to all parties so subscribed on this 10th day of December, 2019, including the attorneys for the Financial Oversight and Management Board as representative for the Commonwealth: Hermann D. Bauer and Daniel J. Pérez-Refojos, both of O'Neill & Borges, LLC and Martin J. Bienenstock of Proskauer Rose, LLP.

RESPECTFULLY SUBMITTED, in San Juan, PR, this 10th day of December, 2019.

Attorney for
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